

REMARKS

Claims 1-68 are pending. No new matter has been added by way of the present amendment. For instance, claim 1 has simply been amended to more clearly define the present invention as supported by originally filed claims 1, 2 and 4 as well as the present specification. Additionally, the title of the invention as well as the related application data have been updated. Accordingly, no new matter has been added.

Objection to the Title of the Invention

The Examiner has objected to the Title of the Invention. However, since the Title has been updated herein, this objection is moot.

Request concerning Related Application Data

The Examiner has requested that the specification be updated to indicate the status of the related applications. Applicants have complied with this request. Thus, this objection is moot.

Issues under 35 U.S.C. § 121

In the previous response, Applicants elected, with traverse, the claims of Group I, directed to claims 1-24. As a result, claims 1-24 were elected and claims 25-68 are withdrawn from consideration. However, the Examiner has now required additional restriction to one of the following nine groups pursuant to 35 U.S.C. § 121:

- I. Claims 1, 4, 17, 22, 23, drawn to testing cells.
- II. Claims 2, 24, drawn to a protein coated bore.
- III. Claim 3, drawn to bore coated with endothelial cells.

- IV. Claims 5, 6, 7, 10, 13, drawn to multiple fluids and channels.
- V. Claims 8, 11, 14, drawn to preventing diffusion.
- VI. Claims 9, 12, drawn to a restricted entry.
- VII. Claims 15, 16, drawn to a bore coated with silicone.
- VIII. Claims 18, 19, drawn to multilaminar flow.
- IX. Claims 20, 21, drawn to two microchannels.

Applicants respectfully elect the claims of Group I (claims 1, 4, 17, 22 and 23). However, this is an election with traverse since at least claims 1-14 and 17-24 should be examined together. This election with traverse is discussed below.

The Examiner has indicated at page 2 of the Restriction Requirement that claims 1-24 contain a number of distinct inventions which require further restriction since claim 1 allegedly lacks any point of novelty. Applicants submit that claim 1, whether as originally filed, or as currently pending, covers novel and non-obvious subject matter. At this point the Examiner has provided no evidence for lack of novelty and thus, claim 1 has been simply been clarified to specifically recite the intended invention. Further, Applicants submit that claim 1 is generic to the claims of Groups I, II, III, IV, V, VI, VIII and IX (all groups except Group VII). Accordingly, although Group I has been elected with traverse, Groups II-VI, VIII and IX should also be examined at this time.


Favorable action on the merits is respectfully requested. Further, in the event that the Examiner will not search or consider the claims of Groups II-IX, Applicants hereby reserve their right to file a divisional application directed to these claims as well as the claims currently withdrawn from consideration.

If the Examiner has any questions or comments, please contact Craig A. McRobbie (Registration No. 42,874) at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

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